

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRIFEN USA, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-200-G
)	
BRIGGS BROTHERS ENTERPRISES)	
CORPORATION,)	
)	
Defendant.)	

ORDER

Plaintiff Brifen USA, Inc. initiated this action in March of 2022, bringing claims against two defendants. On March 21, 2025, the Clerk entered default against Defendant Briggs Brothers Enterprise Corporation (“Briggs”) pursuant to Federal Rule of Civil Procedure 55(a). *See* Doc. No. 77.

Now before the Court is Plaintiff’s Suggestion of Bankruptcy (Doc. No. 85), filed August 27, 2025, advising that Defendant Briggs has filed for Chapter 11 bankruptcy.

Pursuant to 11 U.S.C. § 362, the automatic-stay provisions of the Bankruptcy Code extend to the bankruptcy “debtor.” Accordingly, the pending Motion for Damages (Doc. No. 84) and any other continuation or enforcement of Plaintiff’s claims against Defendant Briggs are STAYED. The parties shall promptly notify the Court, in writing, when Defendant Briggs’s bankruptcy proceeding has been concluded.

The rule followed in the Tenth Circuit and by the majority of other circuits is that the automatic-stay provisions do not extend to the debtor’s solvent codefendants. *See Fortier v. Dona Anna Plaza Partners*, 747 F.2d 1324, 1330 (10th Cir. 1984). A narrow

exception to the rule has been recognized, *see Okla. Federated Gold & Numismatics, Inc. v. Blodgett*, 24 F.3d 136, 141 (10th Cir. 1994), but the record before the Court does not indicate that Defendant Briggs' now-dismissed codefendant RLI Insurance Company ("RLI") would fall within that exception. Therefore, unless otherwise notified, Plaintiff's action shall continue as to Defendant RLI, including Plaintiff's pending Motions (Doc. Nos. 75, 81) seeking to vacate the dismissal of Defendant RLI from this action.

IT IS SO ORDERED this 29th day of August, 2025.



CHARLES B. GOODWIN
United States District Judge